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I hereby certify that on the date specified below, this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to Trademark Trial and Appeal Board, Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3514.

November 6, 2003
Date

Annette Baca
Annette Baca

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

SEATTLE PACIFIC INDUSTRIES, INC.,)	
)	
Opposer,)	
)	Serial No. 78/205,058
v.)	
)	
JOHN PAUL DYE and)	Docket No. 920006.879
GREGORY WALSH,)	
)	
Applicants.)	

Trademark Trial and Appeal Board
Commissioner for Trademarks
2900 Crystal Drive
Arlington, Virginia 22202-3514



11-10-2003

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #22

NOTICE OF OPPOSITION

Opposer Seattle Pacific Industries, Inc. ("Opposer"), which has a principal place of business in Seattle, Washington, believes that it would be damaged by registration of the mark UNION shown in United States Trademark Application Serial No. 78/205,058 filed by John Paul Dye and Gregory Walsh (hereinafter "Applicants"), and published for opposition on October 7, 2003. Therefore, Opposer opposes that registration on behalf of itself. The application may be summarized as follows:

11/18/2003 KGIBBONS 00000092 78205058

01 FC:6402

300.00 OP

In re trademark application: 78/205,058

Filed: January 20, 2003

Applicant: John Paul Dye and Gregory Walsh

Mark: UNION

For: Clothing, namely, jackets, raincoats, sweatshirts, jerseys, shirts, blouses, pants, tights, shorts, hats, caps, sweatbands, headbands, gloves, belts, shoes, boots, socks

International Class: 25

Published: October 7, 2003

A copy of page TM-269 of the October 7, 2003 Official Gazette showing the mark as published is attached to this Notice of Opposition as Exhibit 1.

The grounds for this Opposition are as follows:

1. Opposer Seattle Pacific Industries, Inc., is a corporation organized under the laws of the State of Washington with an address at 1633 Westlake Avenue North, Seattle, Washington 98109.
2. Opposer is engaged in the sale and marketing of a wide variety of men's, women's, and children's apparel, including casual wear and sportswear, accessories and other clothing-related products, both nationally and internationally.
3. Since as early as February, 1985, Opposer has continuously engaged in the sale in commerce of clothing, including, without limitation, men's clothing and sportswear garments, accessories, and related products, in association with the marks RE-UNION and RE-UNION MENSWEAR, and variants of those marks including REUNION and REUNION MENSWEAR, with and without additional elements (hereafter referred to as "RE-UNION Marks").

4. Opposer is the owner of United States Trademark Registration No. 1,949,233 for the mark RE-UNION in class 25 for men's clothing and sportswear garments and accessories, namely pants, slacks, shirts, sweaters, jackets, coats, jeans, ties, belts, hosiery, hats, and gloves.

5. Opposer is the owner of United States Trademark Registration No. 1,951,488 for the mark RE-UNION MENSWEAR in class 25 for men's clothing and sportswear garments and accessories, namely pants, slacks, shirts, sweaters, jackets, coats, jeans, ties, belts, hosiery, hats, and gloves.

6. Opposer is also the owner of United States Trademark Registration Nos. 2,121,893 and 2,691,079 for the marks R REUNION and REUNION RESORT for men's clothing in class 25

7. Since as early as February 1, 1981, Opposer has continuously engaged in the sale in commerce of men's, women's and children's clothing, including, but not limited to, jeans, shorts, skirts, shirts, sweatshirts, jackets, blouses, and pants, under the mark UNION BAY and variants of that mark, including UNIONBAY, with and without additional elements ("UNION BAY Marks"), and has also, through its licensees, used the UNION BAY Marks in the sale of a variety of clothing-related accessories including, but not limited to, headwear such as hats and caps, footwear, belts and socks.

8. Opposer is the owner of United States Trademark Registration No. 1,297,731 for the mark UNION BAY in class 25 for men's, women's and children's clothing and sportswear garments—namely, jeans, blouses, shirts, jackets, slacks, pants, tee-shirts and sweaters.

9. Opposer is the owner of United States Trademark Registration No. 1,559,904 for the mark UNIONBAY in class 25 for men's, women's and children's

clothing and sportswear garments, namely knit and woven shirts, blouses, tee shirts, sweaters, jackets, vests, jeans, pants, slacks, shorts and skirts.

10. Opposer is the owner of United States Trademark Registration No. 2,353,790 for the mark UNIONBAY in class 25 for men's, women's and children's clothing and accessories, namely, jeans, blouses, shirts, jackets, belts, bottoms, underwear, coats, dresses, footwear, gloves, head wear, hosiery, sleepwear, socks, neckwear, robes, overalls, pants, skirts, sweaters, tops, and swim wear.

11. Opposer's RE-UNION Marks and UNION BAY Marks symbolize extensive good will and consumer recognition which have been developed by Opposer through substantial sales of goods under those marks and through substantial and extensive advertising, promoting and popularizing of its those marks in the United States.

12. Since its initial use of the RE-UNION Marks and UNION BAY Marks described above, Opposer has sold millions of dollars worth of clothing and clothing-related products in the United States under the RE-UNION Marks and has also sold millions of dollars worth of clothing and clothing-related products under the UNION BAY Marks in the United States. Opposer has expended substantial sums of money, time and effort in advertising, promoting and popularizing the RE-UNION Marks and the UNION BAY Marks in the United States. As a result of Opposer's use and promotion of its RE-UNION Marks and UNION BAY Marks, the marks are well known in the United States and are recognized as identifying the high-quality products of Opposer; and, therefore, Opposer has reason to consider the mark and the goodwill associated therewith valuable assets of the corporation.

13. The goods described in Applicants' application include clothing and accessories identical to the goods sold by Opposer. Applicants' and Opposer's goods are

so closely related that if the parties' respective goods are sold under the same or confusingly similar marks, a likelihood of confusion or mistake or deception will result.

14. The mark UNION for clothing, namely, jackets, raincoats, sweatshirts, jerseys, shirts, blouses, pants, tights, shorts, hats, caps, sweatbands, headbands, gloves, belts, shoes, boots, and socks, is confusingly and deceptively similar to Opposer's RE-UNION and UNION BAY Marks for Opposer's clothing and clothing-related products, such that the trade and purchasing public will be confused and deceived by believing that Applicants' goods originate with or are otherwise authorized, sponsored, licensed or associated with Opposer.

15. Upon information and belief, neither the Applicants, nor any predecessor-in-interest of the Applicants, has made use of the designation "UNION" as a trademark prior to January 1, 1993, the date of first use alleged in Applicants' application.

16. Upon information and belief, neither the Applicants, nor any predecessor-in-interest of Applicants, has made use of the designation "UNION" as a trademark in commerce prior to November 1, 2000, the date of first use in commerce alleged in Applicants' application.

17. By reason of all of the foregoing, Opposer would be greatly damaged by the registration of the mark UNION.

WHEREFORE, Opposer prays that this Opposition be sustained and the application be denied and the mark refused registration.

Opposer herewith submits this Notice of Opposition in duplicate along with the requisite filing fee in the amount of three hundred dollars (\$300) per class opposed. Please charge any additional fees or credit any excess to our Deposit Account No. 19-1090. A duplicate copy of this notice is enclosed.

Correspondence Address

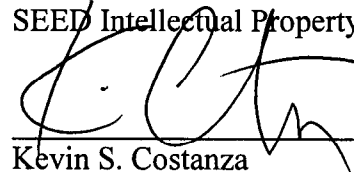
Please direct all communications to:

Kevin S. Costanza
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DATED this 6th day of November, 2003.

Respectfully submitted,

SEED Intellectual Property Law Group PLLC



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Attorneys for Opposer

Enclosures:

Exhibit 1
Check for \$300
Copy of Notice of Opposition

429777_1.DOC

OCTOBER 7, 2003

U.S. PATENT AND TRADEMARK OFFICE

TM 269

CLASS 25—(Continued).

SN 78-201,102. PRIMUS, JOMEL, A., GREENSBORO, NC.
FILED 1-8-2003.

RULE OR DIE

FOR CLOTHING, NAMELY, SHIRTS, PANTS, HATS
AND SHOES (U.S. CLS. 22 AND 39).

SN 78-202,491. ERMENEGILDO ZEGNA CORPORATION,
ENGLEWOOD, NJ. FILED 1-13-2003.

EZ ZEGNA

OWNER OF U.S. REG. NOS. 612,666, 2,437,457 AND
OTHERS.

THE NAME "ZEGNA" DOES NOT IDENTIFY A LIVING
INDIVIDUAL.

FOR CLOTHING, NAMELY, SUITS, JACKETS, COATS,
PANTS, SHORTS, SHIRTS, SWEATERS (U.S. CLS. 22
AND 39).

SN 78-202,677. SEARS BRANDS, LLC, HOFFMAN ESTATES,
IL. FILED 1-13-2003.



FOR CLOTHING, NAMELY, SHIRTS, SWEATERS,
SKIRTS, DRESSES, PANTS, SHORTS, SHORTALLS,
ROMPERS, OVERALLS, JACKETS, HEADWEAR,
SOCKS, AND BOOTIES. (U.S. CLS. 22 AND 39).

CLASS 25—(Continued).

SN 78-202,866. EMBS, TODD M., TIPP CITY, OH. FILED 1-14-
2003.



NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO
USE "GEAR", APART FROM THE MARK AS SHOWN.

THE LINING AND STIPPLING IN THE MARK IS A
FEATURE OF THE MARK AND IS NOT INTENDED TO
INDICATE COLOR OR SHADING, BUT IS INTENDED TO
LOOK LIKE TREE BARK.

THE MARK CONSISTS OF THE WORDING "REAL
TERRAIN GEAR BECOME YOUR ENVIRONMENT"
WHICH IS CONTAINED WITHIN A SQUARE, ALL OF
WHICH OVERLAYS A BACKGROUND DESIGN PATTERN
THAT LOOKS LIKE TREE BARK.

FOR HUNTING APPAREL AND CLOTHING
NAMELY, SHIRTS, JACKETS, HATS, BALACLAVAS,
GLOVES, PANTS, SHORTS, JUMPSUITS, OVERALLS,
SOCKS, SHOES AND CAPES (U.S. CLS. 22 AND 39).

SN 78-204,678. Q SHIRTMAKERS, DALLAS, TX. FILED 1-17-
2003.



Q SHIRTMAKERS

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO
USE "SHIRT MAKERS", APART FROM THE MARK AS
SHOWN.

FOR MENS DRESS SHIRTS, MENS TIES (U.S. CLS. 22
AND 39).

FIRST USE 11-1-2002; IN COMMERCE 12-1-2002.

SN 78-205,058. DYE, JOHN PAUL, ESSEX, UNITED KING-
DOM, AND WALSH, GREGORY, SIGNAL HILL, CA.
FILED 1-20-2003.

UNION

FOR CLOTHING, NAMELY, JACKETS, RAINCOATS,
SWEATSHIRTS, JERSEYS, SHIRTS, BLOUSES, PANTS,
TIGHTS, SHORTS, HATS, CAPS, SWEATBANDS, HEAD-
BANDS, GLOVES, BELTS, SHOES, BOOTS, SOCKS (U.S.
CLS. 22 AND 39).

FIRST USE 1-1-1993; IN COMMERCE 11-1-2000.